REMARKS

This response is directed to the Office Action of April 10, 2008, setting a three month shortened statutory period for response, which expired on July 10, 2008. Applicants request a one month extension of time under 37 C.F.R. 1.136(a) so as to reset the period for response to expire on August 10, 2008. A fee authorization for the required fee is set forth below.

Claims 44-48 are new. Support for new Claims 44-47 can be found in at least paragraph [0022] (see "master headend system"). Support for new Claim 48 can be found in at least paragraph [0038], [0072], [0104], and [0105]. Claims 26-27, 31-33, and 38-40 have been cancelled without prejudice. Claims 21-23, 25, 29-30, 34, and 36-37 have been amended. Support for amended Claims 21 and 34 can be found at least in paragraph [0049]. Support for amended Claim 22 can be found in at least paragraph [0035] and FIG. 1, elements 14, 15, 16, 40. Support for amended Claims 23 and Claim 30 can be found in at least paragraph [0008] and [0077]. Support for amended Claims 25 and 36 can be found in at least paragraph [0022]. Support for amended Claim 29 can be found in at least paragraph [0048]. Support for amended Claim 37 can be found in at least paragraph [0100] and [0102]. Thus, Claims 21-25, 28-30, 34-37, and 41-48 are now pending in this application.

Drawings

The Examiner objected to FIG. 1 and FIG. 6 as requiring labels and reference numerals on system components. Replacement drawings FIG. 1 and FIG. 6 are submitted in response to this objection.

Specification

The Examiner objected to the title of the invention as being non-descriptive. Per the Examiner's suggestion Applicants amend the title to read as "Cable Distribution System with Service Modules Providing Selected Video Channels."

Claim Objections

The Examiner objected to Claim 22 because the "home run relationship" claimed therein allegedly lacks a definition in the specification. Claim 22 has been amended such that it is now supported by the specification (see FIG. 1, elements 14, 15, 16, 40, and paragraph [0035]).

The Examiner also objected to Claims 25, 32, and 36 as reciting "a regional headend" that is allegedly not supported by the specification. Claims 25 and 36 have been amended such that support can now be found in at least paragraph [0022]. Claim 32 has been cancelled.

The Examiner also objected to Claims 26, 27, 38, and 40 as reciting limitations allegedly unsupported by the specification. The claims above have been cancelled rendering this objection moot.

Claim Rejections - 35 USC §102

Claims 21, 31, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Kitamura et al (US 6,188,871 and hereafter referred to as "Kitamura"). The Examiner relies upon Kitamura's FIG. 2 and FIG. 3, element 117 to reject these claims. The Examiner must therefore believe that Applicants' "interface unit" is analogous to Kitamura's Subscriber's House (117). Since Kitamura only once refers to the Subscriber's House (117) (Kitamura column 7, lines 67-68 and column 8, line 1) and gives no further definition of said element, it must be assumed that the Subscriber's House (117) is nothing more than the common house: "a building that serves as living quarters for one or a few families." (Merriam-Webster Online Dictionary, http://www.merriam-webster.com/dictionary/house). It is respectfully submitted that the examiner has provided no support for his apparent proposition that a person's dwelling, or house, equates to Applicants' interface unit. For this reason it is respectfully submitted that this rejection should be withdrawn.

Further, the Examiner relies upon Kitamura at column 2, lines 22-47 in rejecting Applicants' Claims 21, 31, and 34. In particular, Kitamura teaches a "switching means [that] converts the taken-out video and audio signals with RF (radio-frequency) of a predetermined vacant channel, makes connection to lines of the requesting subscribers and transmits the

modulated video and audio signals to the subscribers." (Kitamura column 2, lines 43-47). Kitamura thus appears to teach a direct connection between the switching means and the subscriber as opposed to an interface unit as claimed by Applicants.

The Examiner also relies upon Kitamura at column 10, lines 30-40 in rejecting Applicants' Claims 21, 31, and 34. Although Kitamura here refers to a TV receiver, it should be apparent from a reading of Applicants' specification at least at paragraphs [0037] and [0038], that a TV receiver is incapable of operating as Applicants' interface unit. For instance, Applicants' interface unit comprises a MUX capable of filtering out the forward path telephone, computer data, and system message signals. (Applicant's application at page 4, paragraph [0038]). A TV receiver does not have this capability.

Thus, Kitamura fails to teach at least Applicants' interface unit, and thus Applicants respectfully submit that this rejection is without merit and should be withdrawn.

Claim Rejections - 35 USC §103

Claims 21, 22, 24, 28-31, 34, 35 and 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoel et al (US 5,905,942 and hereafter referred to as "Stoel") in view of Kitamura. Although Applicants disagree with the Examiner, in order to advance prosecution, they have amended independent Claims 21 and 34. In particular, Applicants' Claim 21 now recites:

> [O]ne or more receiver/decoders within each service module, the one or more receiver/decoders configured to receive the one or more multiplexed channel signals, wherein each receiver/decoder is configured to select one or more, **but not all**, of the selected ones of the signals from one or more of the multiplexed channel signals as video channels, and further configured to provide the video channels to an interface unit located at a customer location, the **interface unit** corresponding to the receiver/decoder that received/decoded the video channels, and, wherein each video channel in the subset of video channels is provided at an output frequency unrelated to a cable frequency normally associated with the video channel. (emphasis added)

Furthermore, Applicants' Claim 34 now recites:

> A cable distribution system, comprising: a headend configured to receive signals from a plurality of video sources, and being configured to multiplex selected ones of the signals to create one or more multiplexed channel signals; a plurality of service modules associated with the headend, each service module associated with a plurality of customers and configured to receive one or more of the multiplexed channel signals; and one or more receiver/decoders within each service module, each receiver/decoder being configured to: select from the one or more multiplexed channel signals, one or more, **but not all**, of the selected ones of the signals as one or more video channels; and provide each video channel to an **interface unit**, wherein the interface unit is located at a customer location, and is associated with one or more of the receiver/decoders, and wherein each video channel is: provided at a predetermined output frequency unrelated to a cable frequency normally associated with each video channel, wherein the predetermined output frequency is different from predetermined output frequencies of other receiver/decoders in any one service module; and combined with other video channels of any one service module into a single signal. (emphasis added)

Stoel teaches that "**All** of the RF channels supplied to interdiction field unit 28 from the headend 12 are delivered from the interdiction field unit 28 over home-run cables 30A-30D to individual subscriber unit 16," (Stoel column 2, lines 53-56) (emphasis added). For example, Stoel does not teach that fewer than "all" channels can be supplied to the interdiction field unit.

As discussed above, Kitamura fails to teach at least providing the video channels to an interface unit, and thus Kitamura is not properly relied upon in showing anticipation of Applicants' independent Claims 21 and 34. Stoel does not make up for this lack of teaching. Further, neither Stoel nor Kitamura teach the limitations set forth above as are now claimed. Thus, Applicants respectfully submit that independent Claims 21 and 34 are patentable over the cited art and in condition for allowance. Dependent Claims 22, 24, and 28-30, 44-45 depend, directly, or indirectly, from Applicants' independent Claim 21 and are therefore also believed allowable for at least the reasons discussed above. Dependent Claims 35, 41-43, and 46-48 depend, directly, or indirectly, from Applicants' independent Claim 34 and are therefore also believed allowable for at least the reasons discussed above.

Claims 23, 25, 32, 36, and 37 stand rejected as obvious overt Stoel in view of Kitamura and further in view of one or more of the following references: Farber, Hoarty, Ahmad, and Granger. These supplemental references do not make up for the deficiencies discussed above

with reference to independent Claims 21 and 34 as now amended. Therefore it is respectfully submitted that these rejections should also now be withdrawn.

Claims 21-25, 28-30, 34-37, and 41-48 remain pending. This Amendment is believed to be responsive to all points raised in the Office Action. Accordingly, reconsideration of the application and allowance thereof is courteously solicited. The Commissioner is authorized to charge the one month extension of time fee under 37 C.F.R. 17(a) as well as any additional fees associated with this filing, or credit any overpayment, to Deposit Account No. 50-2638. Please ensure that Deposit Account No. 50-2638 is referred to when charging any payments or credits for this case.

Respectfully submitted,

Date: August 6, 2008

John R. Wahl
Reg. No. 33,044
GREENBERG TRAURIG, LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404
Phone: (303) 685-7460 / Fax:(310) 586-7800
E-mail: wahlj@gtlaw.com